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09/805,195	03/14/2001	Philip D. Mooney	MOONEY 64	1728

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MANELLI DENISON & SELTER PLLC  
7th Floor  
2000 M Street, N.W.  
Washington, DC 20036-3307

EXAMINER
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WEST, LEWIS G

ART UNIT	PAPER NUMBER
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2618

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07/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/805,195

Applicant(s)

MOONEY, PHILIP D.

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/17/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments with respect to claim 1-23 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendments having necessitated the new rejection, this action is made final. In view of the fact that new matter has been added, the previous art rejection has been maintained.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the original specification for automatically answering an incoming call. The call may be transferred to another device, but there are no means or steps in the original specification for actually answering the call "automatically". All claims incorporate this added limitation and therefore all claims contain new matter which must be removed, and as this new matter was added by amendment this action is still made final.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8, 10, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Bell (US 6,405,027).

Regarding claim 1, Bell discloses a cellular telephone, comprising: a cellular telephone module; a piconet front end; and a cordless telephone PSTN gateway role in direct communication with said cellular telephone module and with said piconet front end (Col. 4 lines 25-49), wherein the PSTN gateway role allow a remote telephone piconet device to answer an incoming call to the cellular phone over the piconet. (Col. 4 lines 50-60)

Regarding claim 2, Bell discloses the cellular telephone according to claim 1, further comprising: a cordless telephone terminal role. (Col. 4 lines 50-60)

Regarding claim 3, Bell discloses the cellular telephone according to claim 1, wherein: said piconet front end is a BLUETOOTH device. (Col. 4)

Regarding claim 4, Bell discloses the cellular telephone according to claim 1, wherein: said cordless telephone PSTN gateway role conforms with BLUETOOTH device standards. (Col. 4 lines 25-49)

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Regarding claim 5, Bell discloses the cellular telephone according to claim 1, wherein: said remote piconet device is another cellular telephone. (Col. 2 lines 50-59)

Regarding claim 8, Bell discloses a method of remotely answering an incoming call to a cellular telephone over a wireless piconet network, comprising: establishing a piconet network comprising said cellular telephone and a remote piconet device in direct communication, said cellular telephone being adaptable to operate as a PSTN gateway and comprises a piconet front end; and routing audio from said cellular telephone to said remote piconet device over said wireless piconet network. (Col. 4 lines 25-60)

Regarding claim 10, Bell discloses The method of remotely answering an incoming call to a cellular telephone over a wireless piconet network according to claim 8, wherein: said audio is BLUETOOTH audio. (Col. 2 lines 50-63)

Regarding claim 13, Bell discloses apparatus for remotely answering an incoming call to a cellular telephone over a wireless piconet network, comprising: means for establishing a piconet network comprising said cellular telephone and a remote piconet device in direct communication, said cellular telephone being adaptable to operate as a PSTN gateway and comprises a piconet front end and means for routing audio from said cellular telephone to said remote piconet device over said wireless piconet network. (Col. 4 lines 25-60)

Regarding claim 15, Bell discloses The apparatus for remotely answering an incoming call to a cellular telephone over a wireless piconet network according to claim 13, wherein: said audio is BLUETOOTH audio. (Col. 2 lines 50-63)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 11, 12, 16-17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of BLUETOOTH.

Regarding claim 6, BLUETOOTH discloses the cellular telephone according to claim 1, but does not expressly disclose an authorized terminal list. However, BLUETOOTH does disclose that only Trusted terminals may connect to the gateway to receive calls (page 110 "Connecting to a GW") Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have an authorized terminal list including unique identification of at least one remote piconet device permitted to answer incoming calls to said cellular telephone, as one of ordinary skill in the art would have recognized that a list of the identifications of devices to be authorized is implicit to the process and would have allowed the processor to easily compare devices attempting connection versus those authorized.

Regarding claim 7, Bell discloses the cellular telephone according to claim 1, as well as extending the connection beyond the number of devices allowed in a piconet, but does not expressly disclose scatternet. However the BLUETOOTH specification does teach that when more devices are necessary a scatternet may be formed covering the same area (pages 122-123). Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to use scatternet to extend the number of devices as this is the express teaching in the BLUETOOTH specification for adding more devices beyond a piconet and the method of connection is already laid out in any device already conforming to BLUETOOTH.

Regarding claim 11, Bell discloses The method of remotely answering an incoming call to a cellular telephone over a wireless piconet network according to claim 8, as well as extending the connection beyond the number of devices allowed in a piconet (page 105) but does not expressly disclose scatternet as part of the CORDLESS TELEPHONY PROFILE section. However the BLUETOOTH specification does teach that when more devices are necessary a scatternet may be formed covering the same area (pages 122-123). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use scatternet to extend the number of devices as this is the express teaching in the BLUETOOTH specification for adding more devices beyond a piconet and the method of connection is already laid out in any device already conforming to BLUETOOTH.

Regarding claim 12, Bell discloses The method of remotely answering an incoming call to a cellular telephone over a wireless piconet network according to claim 8, but does not expressly disclose an authorized terminal list. However, BLUETOOTH does disclose that only Trusted terminals may connect to the gateway to receive calls (page 110 “Connecting to a GW”) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have an authorized terminal list including unique identification of at least one remote piconet device permitted to answer incoming calls to said cellular telephone, as one of ordinary skill in the art would have recognized that a list of the identifications of devices to be

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authorized is implicit to the process and would have allowed the processor to easily compare devices attempting connection versus those authorized.

Regarding claim 16, Bell discloses The apparatus for remotely answering an incoming call to a cellular telephone over a wireless piconet network according to claim 13, as well as extending the connection beyond the number of devices allowed in a piconet (page 105) but does not expressly disclose scatternet as part of the CORDLESS TELEPHONY PROFILE section. However the BLUETOOTH specification does teach that when more devices are necessary a scatternet may be formed covering the same area (pages 122-123). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use scatternet to extend the number of devices as this is the express teaching in the BLUETOOTH specification for adding more devices beyond a piconet and the method of connection is already laid out in any device already conforming to BLUETOOTH.

Regarding claim 17, Bell discloses the apparatus for remotely answering an incoming call to a cellular telephone over a wireless piconet network according to claim 13, but does not expressly disclose an authorized terminal list. However, BLUETOOTH does disclose that only Trusted terminals may connect to the gateway to receive calls (page 110 “Connecting to a GW”) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have an authorized terminal list including unique identification of at least one remote piconet device permitted to answer incoming calls to said cellular telephone, as one of ordinary skill in the art would have recognized that a list of the identifications of devices to be authorized is implicit to the process and would have allowed the processor to easily compare devices attempting connection versus those authorized.



Regarding claim 23, Bell discloses an apparatus for allowing a remote piconet device answer an incoming call to a cellular telephone in communication with said piconet device, comprising: means for passing incoming call information from said wireless telephone receiving an incoming call, to said remote piconet device over a wireless piconet, said cellular telephone being adaptable to operate as a PSTN gateway and comprises a piconet front end;; and means for routing said incoming call to said cellular telephone over a piconet to another telephone device., but does not expressly disclose means for selectively audibly ringing said remote piconet device based on said incoming call related information received by said cellular telephone, however BLUETOOTH disclose the capability of supporting multiple ringing terminals for calls received through a gateway in a piconet. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to ring the remoter terminal, so that a person near the remote device would be able to hear it.

Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over BLUETOOTH in view of Bell.

Regarding claim 18, BLUETOOTH discloses a method of allowing a remote piconet device (TL) answer an incoming call to a gateway (GW, may be a GSM phone, see page 104) in communication with said piconet device (TL), comprising: passing incoming call information from said cellular telephone receiving an incoming call to said remote piconet device over a wireless piconet (Cordless Telephony Profile Section 2.3 item 1), said cellular telephone being

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adaptable to operate as a PSTN gateway (page 104, Gateway definition, gateway may be a PSTN gateway and it therefore “adaptable”) and comprises a piconet front end, and selectively audibly ringing said remote piconet device in response to receipt of said incoming call information by said cellular telephone. (See again, page 104, gateway definition wherein a gateway may be simple and ring one terminal or support multiple active devices and ring multiple piconet devices), but does not expressly disclose a cellular phone as a gateway. Bell discloses using a cellular phone as a gateway device in accordance with the BLUETOOTH telephony profile. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a cellular phone as the gateway as it is directly suggested in the profile that cellular devices, like GSM devices, may be used and suggested in the reference to operate in accordance with the profile, which is the first reference.

Regarding claim 19, BLUETOOTH discloses the method of allowing a remote piconet device answer an incoming call to a cellular telephone in communication with said piconet device according to claim 18. It also teaches that the gateway, in this case the cellular phone, is the central point for external network communications. The BLUETOOTH specification, discloses the use of multiple ringing terminals.(page 104) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to audibly ring said cellular telephone together with said remote piconet device in response to said receipt of said incoming call information by said cellular telephone, as it is the primary connection with the outside network and would therefore be the best place to answer the call having a shorter overall signal path and being less subject to noise and interference due to routing and channel loss.

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Regarding claim 20, BLUETOOTH discloses The method of allowing a remote piconet device answer an incoming call to a cellular telephone in communication with said piconet device according to claim 18, further comprising: audibly ringing at least two remote piconet devices in response to receipt of said incoming call information by said cellular telephone. (See again, page 104, gateway definition wherein a gateway may be simple and ring one terminal or support multiple active devices and ring multiple piconet devices)

Regarding claim 21, BLUETOOTH discloses The method of allowing a remote piconet device answer an incoming call to a cellular telephone in communication with said piconet device according to claim 18, wherein: said wireless piconet is a BLUETOOTH piconet network. (See page 106 Section 2.4 where the connection between GW and TL is defined as a piconet)

Regarding claim 22, BLUETOOTH discloses the method of allowing a remote piconet device answer an incoming call to a cellular telephone in communication with said piconet device according to claim 18, wherein: said incoming call information includes a ring indication. (See again, page 104, gateway definition wherein a gateway may be simple and ring one terminal or support multiple active devices and ring multiple piconet devices)

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### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Amin (US 7,171,221) discloses forwarding an incoming call from one piconet device to another.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

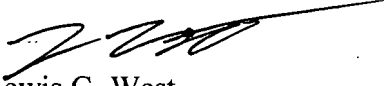
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lewis G. West  
Primary Examiner  
Art Unit 2618